

12
9/4/94

From: KERRY STREET
To: R5ORC.R5ORC1(SIEGEL-STEVEN)
Date: Thursday, September 29, 1994 10:57 am
Subject: Bill's on his way over. Some comments. -Reply -Reply

Thanks for the blow by blow.

THE PETITION AS PART OF THE ADMINISTRATIVE RECORD:

Since the decree negotiations are over, Bill and I did not have to look at (and I have not looked at) their petition. Anything they submit in terms of negotiations after the moratorium or in terms of remedy selection after the ROD are not necessary for us to review or consider prior to issuance of a UAO. If the PRPs said that they would do everything in their petition, there is still nothing to keep us from issuing a UAO. In fact, it is a quicker mechanism than a decree to get things going (We are doing this at Ninth Avenue for this reason now). There is no requirement or need to look at anything from the PRPs prior to issuing a UAO, nor does their "petition" impact the decision or the form of the UAO. The petition was not considered in doing the UAO.

You are right in regards to my position on not responding directly to the PRPs on this petition. Comments on the ROD are in the responsiveness summary. I think that we should consider the PRPs thoughts (they may have some good ideas), if for no other reason than to be prepared to fight them, but we do not owe the PRPs any point by point response. I believe such a response could be counter productive in that it may introduce ambiguity into the remedy selection.

CC: bolen-bill

